UNITED STATES PATENT AND TRADEMARK OFFICE

MN

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,964	03/30/2001	Lev Brouk	ODVFP009A	3907

22434 7590 07/10/2007

BEYER WEAVER LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

EXAMINER	
LEE, PHILIP C	

ART UNIT	PAPER NUMBER
2152	

MAIL DATE	DELIVERY MODE
07/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/820,964	BROUK ET AL.	
	Examiner	Art Unit	
	Philip C. Lee	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 April 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/25/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. This action is responsive to the amendment and remarks filed on April 25, 2007.

2. Claims 1-16 are presented for examination.

3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections - 35 USC 112

4. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

i. The following terms lack proper antecedent basis:

(1) the identity – claims 1, 9 and 10.

Claim Rejections – 35 USC 101

5. Claim 9 is rejected under 35 U.S.C. 101 because "a computer program product" can be considered as a computer program, [i.e., software per se], which is not one of the categories of statutory subject matter.

6. Claims 10-14 are rejected under 35 U.S.C. 101 because "A message routing system" does not include any functional structure of a system (i.e. functional structure of an apparatus). An apparatus comprising a message routing network that enable routing of a message between services can interpreted as a set of software programs that enable routing of message between services in a network (i.e. program per se), which is not one of the categories of statutory subject matter.

Claim Rejections – 35 USC 103

7. Claims 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zombek et al, U.S. Patent 6,704,768 (hereinafter Zombek) in view of Short et al, U.S. Patent 7, 088, 727 (hereinafter Short).

8. Zombek was cited in the last office action.

9. As per claim 9, Zombek taught the invention substantially as claimed comprising:

associating an identifier with an entity that has been authenticated by said message routing network, wherein said identifier is to be associated with an entity account upon authentication of said entity with a first service that supports said entity account (col. 20, lines 35-51; col. 21, lines 32-53; col. 22, lines 23-29);

receiving, from a second service, a message including said identifier, said message being directed to a mapped service (e.g. MR) (col. 20, lines 47-52; col. 21, lines 6-13), wherein

said mapped service is an entity account-specific representation of said first service (col. 21, lines 39-53) (i.e. MR represents the service type of the BES or server application) and acts as a proxy for said first service with said second service (i.e. MR acts as proxy between the BES network with BES executed application and the client network with client application) (fig. 1c; col. 22, lines 50-65); and

translating, by said message routing network, said message for delivery to said first service (col. 32, lines 46-50), wherein said translated message includes said identifier (col. 20, lines 47-52) and is directed from said mapped service to said first service (col. 21, lines 32-53; col. 22, lines 22-29).

10. Zombek did not teach hiding the identity of the services. Short taught a mapped service (router) hiding the identity of the second service from the first service (col. 2, lines 15-27; col. 12, lines 21-25; col. 13, lines 31-46).

11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Zombek and Short because Short's teaching of hiding the identity of the services would enhance the mapping service in Zombek's system by allowing translation function to provides a mapping between location and service dependent configurations used by host computer and that used by network to which it is currently attached (col. 13, lines 32-35).

12. As per claim 10, Zombek taught the invention substantially as claimed comprising:

a message routing network that enables routing of a message between a first service and a second service, said message being associated with an account being supported by said second service, wherein said message routing network is operative to effect a virtual proxy service for said first and second services (i.e. MR provides mapping of message between application of BES and the client application), said first service and said second service capable of communicating with said virtual proxy service) (fig. 1c; col. 22, lines 50-65), wherein implementation of said virtual proxy service is supported by a mapping that associates said virtual proxy service with said account (col. 22, lines 51-61) (i.e. MR acts as a proxy for mapping client application message with account information (e.g. server ID and service type) of the registered server).

13. Zombek did not teach hiding the identity of the services. Short taught a virtual proxy service (router) hiding the identity of one of the services from the other service (col. 2, lines 15-27; col. 12, lines 21-25; col. 13, lines 31-46).

14. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Zombek and Short because Short's teaching of hiding the identity of the services would enhance the mapping service in Zombek's system by allowing translation function to provides a mapping between location and service dependent configurations used by host computer and that used by network to which it is currently attached (col. 13, lines 32-35).

15. As per claim 11, Zombek and Short taught the invention substantially as claimed in claim 10 above. Zombek further taught wherein said message includes an identifier that is associated with said account (col. 20, lines 47-52; col. 21, lines 6-13).

16. As per claims 12 and 14, Zombek and Short taught the invention substantially as claimed in claim 10 above. Zombek further taught wherein mapping is stored by said message routing network, and said mapping is stored by said second service (col. 22, lines 26-29, 51-59).

17. As per claim 13, Zombek and Short taught the invention substantially as claimed in claim 12 above. Zombek further taught wherein said message routing network adds an identifier of said account to a message being delivered to said second service (col. 15, lines 26-33).

18. Claim 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zombek, Short and Shiozawa, U.S. Patent Application Publication 20010005358 (hereinafter Shiozawa) in view of Official Notice.

19. Shiozawa was cited in the last office action.

20. As per claim 1, Zombek taught the invention substantially as claimed for routing a message (col. 4, lines 36-39) between services in a message routing network, said message including a header (col. 22, lines 52-54) and one or more of a body (col. 48, lines 40-41) comprising:

associating an identifier with an entity that has been authenticated by said message routing network, wherein said identifier is to be associated with an entity account upon authentication of said entity with a first service that supports said entity account (col. 20, lines 35-51; col. 21, lines 32-53; col. 22, lines 23-29);

receiving, from a second service, a message including said identifier, said message being directed to a mapped service (e.g. MR) (col. 20, lines 47-52; col. 21, lines 6-13), wherein said mapped service is an entity account-specific representation of said first service (col. 21, lines 39-53) (i.e. MR represents the service type of the BES or server application) and acts as a proxy for said first service (i.e. MR acts as proxy between the BES network with BES executed application and the client network with client application) (fig. 1c; col. 22, lines 50-65); and

translating, by said message routing network, said message for delivery to said first service (col. 32, lines 46-50), wherein said translated message includes said identifier (col. 20, lines 47-52) and is directed from said mapped service to said first service (col. 21, lines 32-53; col. 22, lines 22-29).

21. Zombek did not teach hiding the identity of the services. Short taught a mapped service (router) hiding the identity of the second service from the first service (col. 2, lines 15-27; col. 12, lines 21-25; col. 13, lines 31-46).

22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Zombek and Short because Short's teaching of hiding the

identity of the services would enhance the mapping service in Zombek's system by allowing translation function to provides a mapping between location and service dependent configurations used by host computer and that used by network to which it is currently attached (col. 13, lines 32-35).

23. Zombek and Short did not teach determine whether a route for a message needs to be modified. Shiozawa taught a mapped service is operable to determine whether a route for a message needs to be modified prior to delivering the message to a destination (page 5, paragraphs 73-76); and when the mapped service determines that said route for the message does not need to be modified, the message is delivered to the destination (page 5, paragraphs 72 and 73).

24. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Zombek, Short and Shiozawa because Shiozawa's teaching of determining whether a route for a message needs to be modified would increase the reliability of Zombek's and Short's systems by allowing restoration of data transmission in case of fault occurrence without undesired reduction in efficiency on the use of network bandwidth (page 1, paragraphs 1 and 9).

25. Zombek, Short and Shiozawa did not teach an attachment. "Official Notice" is taken for the concept of message with attachment is known and accepted in the art (e.g. email with attachment). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to include attachment because by doing so it would improve the efficiency of their systems by allowing a file to be sent with a message instead of individually sending the message and the file.

26. As per claim 2, Zombek, Short and Shiozawa taught the invention substantially as claimed in claim 1 above. Zombek further taught wherein said identifier is a message routing network ID (col. 22, lines 26-29).

27. As per claim 3, Zombek, Short and Shiozawa taught the invention substantially as claimed in claim 2 above. Zombek further taught wherein said identifier is a message routing network ID for said mapped service (col. 22, lines 26-29).

28. As per claim 4, Zombek, Short and Shiozawa taught the invention substantially as claimed in claim 1 above. Zombek further taught comprising the step of associating said identifier with an entity account upon authentication of said entity with said first service (col. 14, lines 66-col. 15, lines 1).

29. As per claim 5, Zombek, Short and Shiozawa taught the invention substantially as claimed in claim 1 above. Zombek further taught wherein said translating comprises adding an identifier of said entity account to said message (col. 15, lines 26-33).

30. As per claim 6, Zombek, Short and Shiozawa taught the invention substantially as claimed in claim 1 above. Zombek further taught wherein upon receipt of said translated message, said first service associates said identifier with said entity account based on a mapping internal to said first service (col. 22, lines 26-29, 51-59).

31. As per claim 7, Zombek, Short and Shiozawa taught the invention substantially as claimed in claim 1 above. Zombek further taught comprising receiving a second message from said first service, said second message being directed to said mapped service (col. 24, lines 49-56).

32. As per claim 8, Zombek, Short and Shiozawa taught the invention substantially as claimed in claim 7 above. Zombek further taught comprising translating said second message for delivery to said second service (col. 32, lines 66-col. 33, lines 2).

33. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giroux et al U.S. Patent Application Publication 2004/0243574 (hereinafter Giroux) in view of Bantz et al, U.S. Patent 6,925,488 (hereinafter Bantz).

34. Giroux and Bankz were cited in the last office action.

35. As per claim 15, Giroux taught the invention substantially as claimed comprising:

providing a proxy service ((e.g., ASP server, 160, fig. 3) for messages transferred between a first application service provider (110, fig. 3) and a second application service provider (120, fig. 3) in a message routing network (page 3, paragraph 53) (i.e., ASP server 160 providing a proxy service for transferring data from ASP server 110 to ASP server 120), said first application service provider and said second application service provider providing application services for an enterprise (page 1, paragraph 6), said proxy service being provided by the message routing network (fig. 3) and enabling said first application service provider to send information on behalf of said enterprise to said second application service provider (page 4, paragraph 65) (i.e., requesting data from ASP server 110 on behalf of the user and sending the requested data to ASP server 120).

36. Giroux did not specifically teach sending information without having knowledge of the sender and the receiver. Bantz taught a proxy service enabling a first server to send information on behalf of said enterprise to a second server without said first server and said second server having knowledge of each other (col. 6, line 56-col. 7, line 25).

37. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Giroux and Bantz because Bantz's method of sending message without sender and receiver having knowledge of each other would increase the efficiency of Giroux's system by allowing message to be sent to recipients without burdening a the message sender with the identification of all of the recipients (col. 5, lines 25-31).

38. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giroux and Bantz in view of Zombek.

39. As per claim 16, Giroux and Bantz taught the invention substantially as claimed as in claim 15 above. Giroux and Bantz did not teach adding an account identifier to a message. Zombek taught wherein said proxy service adds an account identifier to a message that is transmitted to said second application service provider (col. 15, lines 26-33).

40. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Giroux, Bantz and Zombek because Zombek's teaching of adding an account identifier to a message would increase the efficiency's of Giroux's and Bantz's systems by allowing a recipient to quickly identify the sender of the message.

41. Applicant's arguments with respect to claims 1-14, filed 04/25/07, have been fully considered but are moot in view of new grounds of rejection and applicant's arguments with respect to claim 15-16, filed 04/25/07, have been fully considered but they are not persuasive.

42. In the remarks, applicant argued that:

(1) Bantz does not teach a proxy service being provided by the message routing network and enabling said first application service provider to send information on behalf of said enterprise to said second application service provider without said first application service provider

and said second application service provider having knowledge of each other at any point in time.

(2) Software per se is patentable.

43. In response to point (1), Giroux taught the invention substantially as claimed comprising: a proxy service (ASP server, 160, fig. 3) provided by the message routing network (provided by the network of fig. 3) and enabling said first application service provider to send information on behalf of said enterprise to said second application service provider (page 4, paragraph 65)(requesting data from ASP server 110 (old ASP) on behalf of the user and sending the requested data to ASP server 120 (new ASP)). Giroux did not specifically teach sending information without having knowledge of the sender and the receiver. Bantz taught a proxy service enabling a first server to send information on behalf of said enterprise to a second server without said first server and said second server having knowledge of each other (col. 6, line 56-col. 7, line 25). The combination of Giroux and Bantz taught the invention substantially as claimed in claim 15.

44. In response to point (2), given the broadest interpretation, a "computer program product" can include, for example, a computer program (i.e., software per se). It is noted that the examples upon which applicant relies as a "computer program product" cited in page 2 of the Remark filed on 4/25/07 (i.e., a memory device or storage medium such as a CD-ROM storing computer-readable program code) are not supported in the specification. Similarly, given the broadest interpretation, a "system" without any functional structure of a system (i.e., apparatus)

can be interpreted as a set of programs (i.e., software per se). Software per se is not one of the categories of statutory subject matter. Please refer to MPEP 2106, 8th edition, revision 5 regarding 101 guidelines and the patentability of software per se.

45. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or

Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

P.L.

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER

7/6/7